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SUMMARY OF THE OFFICE ACTION

- 1) Claims 1-20 have been rejected under 35 USC 102(e) as anticipated by US Patent Application 2004/0053673 A1 (Mishra)

This is the sole issue raised in the Office Action.

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RESPONSE TO THE OFFICE ACTION

- 1) Claims 1-20 have been rejected under 35 USC 102(e) as anticipated by US Patent Application 2004/0053673 A1 (Mishra)

The following table literally compares the disclosure of Mishra with the claim language of this application (beginning with Claim 1) to show the fact that the claimed subject matter is not anticipated.

CLAIM 1	MISHRA	COMMENTS
A method of playing a wagering game comprising:	SAME	
a player placing a wager in a gaming machine,	SAME	
the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area;	The apparatus may have a housing with a microprocessor, a first gaming display that displays at least one symbol from a first set of symbols, wherein predetermined symbol displays provide a first award. There is also a second gaming display that coincidentally displays at least one separate symbol selected from among symbols within the first set of symbols.	
the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events;	a first gaming display that displays at least one symbol from a first set of symbols, The first symbols are used in determining winning events.	
the first display area providing at least one first symbol;	SAME	
automatically providing that at least one first symbol to the at least second display area;	"...second gaming display that coincidentally displays at least one separate symbol selected from among symbols within the first set of symbols." Abstract	The claim requires that an actual symbol from the first area be transposed to the second area. Mishra clearly provides symbols to the second area, which can

		only randomly be similar to the first symbols, by a random and “separate symbol select[ion].”
independently and randomly completing symbol display for each of the first display area and the at least second display area; and	Mishra randomly provides all symbols in the first display area, but there is only a single symbol in the second display area.	It is impossible to provide a first and only symbol in the second display area and then complete symbol display as a separate step as recited in this claim. To complete the first symbol, additional symbols must be provided and Mishra discloses single matching symbol displays.
determining if winning events are present in the first display area and the at least second display area.	Mishra determines a winning event in the first display area and then must compare the single symbol in the second area with the first area to determine if a winning event occurs.	Mishra cannot have a winning event in only the second area, but must combine analysis of the symbols in both areas to determine contribution to winning in the second display area.

As can be seen from the above description, there is a substantive difference between the disclosure of Mishra and the invention described in claim 1. It is clear that the term “matching symbol” disclosed has been misinterpreted as automatically transposing a symbol first shown in a first display area to a second display area. Claim 1 requires that a first symbol displayed in the first display area must be displayed in the second display area. This is impossible in Mishra, as this would require that every event played under the rules of Mishra would be a winning event, as there would then always be a matching symbol between the first display area and the second display area. Mishra does not perform the limitation of the claim that a step is performed where:

“...automatically providing that at least one first symbol to the at least second display area;...”

Even if the first symbol is subsequently provided to the second display area, that event (which is not required as in this claim) would not enable practice of the next step recited

in the claim, which is required to be in a sequence after providing the first symbol to the second display area:

“...independently and randomly completing symbol display for each of the first display area and the at least second display area; and...”

There is no random completion of symbols in both the second area after the first symbol has been provided to the second display area. This is clear as there is no further completion of symbols in the second area as the bonus matching symbol is provided as a single step. In fact, the preferred embodiment of Mishra is to keep the second display area active (no symbol disclosed) until the entire first set of symbols has been shown (Abstract, Mishra).

As every claim in the application is dependent from claim 1, and as claim 1 is clearly not anticipated, and every dependent claim is narrower in scope than claim 1 as a matter of regulations, no dependent claim can be anticipated.

New Claim 21 includes all limitations of claim 1 and further limitations that show novelty over the teachings of Mishra.

The rejection is clearly in error and must be withdrawn.

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CONCLUSION

The rejection has been shown to be in error and must be withdrawn.

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Reg. No. 26,390

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Date

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile to the US Patent and Trademark Office addressed to: Mail Stop AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 16 April 2007

Mark A. Litman
Name
Signature